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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,384	06/29/2001	Ronald Stephen Giesen	MS149444.1/M&G60001.48US0	9566

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EXAMINER

TRAN, MYLINH T

ART UNIT PAPER NUMBER

2174

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/896,384

Applicant(s)

GIESEN ET AL.

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 9-10, 12 and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Angiulo et al. [US. 6,456,304].

As to claims 1, 2 and 9, Angiulo et al. discloses rendering a list of control objects each of the control objects in the list of control objects comprise a graphical icon having a selection portion and potentially an additional properties portion with one or more control (column 2, lines 5-30); receiving a selection mouse click upon a selection portion of the first control object (column 3, lines 4-35); applying the control properties of the first control object to one or more selected items within the main application window (column 5, line 27 through column 6, line 45); receiving a properties mouse click upon a properties portion of a control object, the control object being located within the rendered list of control objects (column 20-50); and modifying one or more control object properties or applying the item in a different way in response to the properties mouse click upon the properties portion of the control object (column 1, lines 19-40).

As to claims 3 and 10, Angiulo et al. also discloses rendering a pop-up menu, the pop-up menu having one or more menu items; receiving a menu-item mouse click

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upon one of -the one or more menu items; determining an identity of a selected menu item from the location of the menu-item mouse click; and applying the selected menu item (column 2, lines 30-65).

As to claim 4, Angiulo et al. shows the pop-up menu is a contextual menu having menu items determined by a current state of the control object (column 2, lines 55-67).

As to claims 5, 6 and 12, Angiulo et al. also shows the list of control objects is rendered within a scrollable window and the scrollable window containing the list of control objects is scrollable in vertical direction (column 8, lines 1-55).

As to claim 15, the claim is analyzed as previously discussed with respect to claims 1-6 besides Angiulo et al. shows a main application window containing one or more application items, each application item having one or more control properties affecting a behavior of the application item (column 2, lines 30-45).

As to claim 16, the claim is analyzed as previously discussed with respect to claim 15 besides Angiulo et al. shows a control contextual menu at column 6, lines 22-45).

As to claim 17, the claim is analyzed as previously discussed with respect to claims 16. Angiulo et al. also shows a gallery most-recently used module for maintaining a separate list of recently used to control objects that is concatenated to the list of one or more control object before presentation to a user by the gallery control window rendering processing module (column 10, lines 19-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 11, 13-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo et al. [US. 6,456,304] as applied to claims 1-6 in view of Wolf [US. 5,838,321].

As to claims 7, 8, 13 and 18, Baker does not show the feature of the scrollable window being resizable. Wolf teaches the feature at column 4, line 49 through column 5, line 20. It would have been obvious to one of ordinary skill in the art, having the teachings of Angiulo et al. and Wolf before them at the time the invention was made to modify the list of control objects taught by Angiulo to include the resizable scrolling window of Wolf, in order to save space and memory for the computer system as taught by Wolf.

As to claim 11, the claim is analyzed as previously discussed with respect to claims 4, 5 and 7.

As to claim 14, Angiulo et al. provides the computer data product is a computer readable storage medium (column 3, line 48 through column 4, line 5).

### ***Conclusion***

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

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Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

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